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DEPARTMENT OF JUSTICE
Washington

November 9, 1953

Honorable Joseph M. Dodge
Director, Bureau of the Budget
Washington, D. C.

Dear Mr. Dodge:

By memorandum dated July 29, 1953, directed to Mr. Chambers of this office, Mr. J. F. C. Hyde, Jr., of your Bureau transmitted a copy of a letter of Judge Advocate General Nunn, U.S. Navy, commenting on the Dept. of Justice legislative proposal "To require the registration of certain persons who have knowledge of or have received instruction or assignment in the espionage, counter-espionage, or sabotage service or tactics of a foreign government or foreign political party, and for other purposes." Mr. Hyde requested the views of this Department concerning the comments contained in the Navy Department report.

Speaking for the Department of Defense, the Judge Advocate General raised three questions with respect to the proposed legislation. First, he stated that although the Dept. of Defense concurs in the objective of the proposal, it believes that the objective could better be accomplished by the amendment of section 2(a) of the Foreign Agents Registration Act of 1938, as amended. Second, he suggested that the measure should provide exemption from registration for duly accredited officials of foreign countries. Third, he interposed objection to the provision that registration statements received under the proposed legislation shall be public records open to public examination and inspection.

With respect to the first consideration raised in the report of the Department of the Navy, it should be pointed out that at present section 20(a) of the Internal Security Act of 1950 does nothing more than establish a new class of persons who are defined as agents of a foreign principal under section 1(c) of the Foreign Agents Registration Act. Consequently, the administration and enforcement of section 20(a) is considerably hampered by the necessity of establishing a principal and agent status before registration can be required. The proposed bill removes this requirement. The difficulties now present in the enforcement and

administration of section 20(a) would not be removed by expanding section 2(a) of the Foreign Agents Registration Act, as suggested. Furthermore, this provision of the Internal Security Act has no place within the framework of the Foreign Agents Registration Act, which Act is designed primarily to achieve public disclosure of the identity of persons engaging in propaganda activities for or on behalf of foreign governments, foreign political parties and other foreign principals. The entire Act is geared to the disclosure of propaganda activities and the presence of the substance of section 20(a) within its structure would detract from its proper administration.

The suggestion that exemptions be made available to duly accredited officials of foreign governments is a meritorious one, and it is therefore proposed to add to section 4 additional subsections (e), (f), (g) and (h). These would provide exemptions from registration for duly accredited diplomatic or consular officers of a foreign government, officials of a foreign government, members of the staff of or any person employed by a duly accredited diplomatic or consular officer of a foreign government, and officially acknowledged and sponsored representatives of a foreign government or security agency. The text of these subsections is enclosed.

As for the objection to making registrations pursuant to the measure matters of public record, it should be pointed out that the provision of section 5 which authorizes the Attorney General, in his discretion, to withdraw any registration statement from public examination and inspection adequately protects the national security and other public interest.

Accordingly, I shall appreciate it if you will advise this office as to the relationship of the proposed recommendation, amended as indicated above, to the program of the President.

Sincerely,

SGD. Robert W. Minor
Acting Deputy Attorney General

Proposed subsections (e), (f), (g) and (h) to be inserted in sec. 4 of Dept. of Justice proposal pending with the Bureau of the Budget for clearance "To require the registration of certain persons, etc."

(e) who is a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Dept. of State, while said officer is engaged exclusively in activities which are recognized by the Dept. of State as being within the scope of the functions of such officer; or

(f) who is an official of a foreign government, if such government is recognized by the U.S., whose name and status and the character of whose duties as such official are of record in the Dept. of State, and while said official is engaged exclusively in activities which are recognized by the Dept. of State as being within the scope of the functions of such official; or

(g) who is a member of the staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Dept. of State, and whose name and status and the character of whose duties as such member or employee are a matter of record in the Dept. of State, while said member or employee is engaged exclusively in the performance of activities which are recognized by the Dept. of State as being within the scope of the functions of such member or employee; or

(h) who is an officially acknowledge and sponsored representative of a foreign government and is in the U.S. on an official mission for the purpose of conferring or otherwise cooperating with U.S. intelligence or security personnel.